

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Oren GLOBERMAN et al.

Serial No : 09/890,172

Group Art Unit: 3738

Filed : July 25, 2001

Examiner: PREBILIC, P. B.

For : Expandable Intervertebral Spacer

**NINTH SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT**

Mail Stop RCE  
Hon. Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/890,172 which is a U.S. national stage application under 35 U.S.C. §371 of PCT Application No. PCT/IL00/00058.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06, MPEP §1893.03(e) and §MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Applicants point out that the art submitted herewith was cited in an opposition filed against a corresponding European patent number 1148850, a copy of the opposition is attached hereto. It is further noted that the other items cited in the opposition were listed in previously filed Information Disclosure Statements.

<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated there between; if no such English language equivalent is cited then none is known to the undersigned.


110/02239

In accordance with MPEP §609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached (or prior) PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

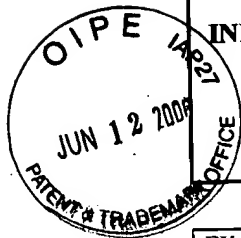
Respectfully submitted,  
Oren GLOBERMAN et al.

  
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Maier FENSTER,  
Registration No. 41,016

June 12, 2006

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<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)	ATTY DOCKET NO. <b>110/02239</b>	SERIAL NO. <b>09/890,172</b>
	APPLICANT(S) <b>Oren GLOBERMAN et al.</b>	
	FILING <b>July 25, 2001</b>	GROUP <b>3738</b>

#### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate
	1.	2,918,841	29 Dec '59	POUPITCH			
	2.	3,381,566	07 May '68	PASSER			
	3.	3,789,727	05 Feb '74	MORAN			
	4.	3,896,504	29 Jul '75	FISCHER			
	5.	3,942,407	09 Mar '76	MORTENSEN			
	6.	5,018,919	28 May '91	STEPHAN			
	7.	5,334,184	02 Aug '94	BIMMAN			
	8.	5,501,695	26 Mar '96	ANSPACH, Jr et al.			
	9.	5,820,321	13 Oct '98	GRUBER			
	10.	5,893,850	13 Apr '99	CACHIA			

#### U.S. PATENT APPLICATION PUBLICATIONS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	Filing date if appropriate

#### FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	NO
	11.	EP 0423916	24 Apr '91	EUROPE				
	12.	FR 2653006	19 Apr '91	FRANCE				
	13.	GB 408668	12 Apr '34	GREAT BRITAIN				
	14.	GB 2268068	05 Jan '94	GREAT BRITAIN				
	15.	WO 97/18769	29 May '97	PCT				
	16.	WO 98/28035	02 Jul '98	PCT				

#### OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

	17.	Letter from Mathys & Squire containing Grounds of Opposition dated January 19, 2006
	18.	Letter from Mathys & Squire regarding Opposition dated 15 May 2006

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Form PTO-A820  
(also form PTO-1449)

Patent and Trademark Office\*U.S. DEPARTMENT OF COMMERCE